

SERCARZ & RIOPELLE, LLP

950 THIRD AVENUE, 31st FLOOR
NEW YORK, NEW YORK 10022
(212) 586-4900
FACSIMILE (212) 586-1234
www.sercarzandriopelle.com

ROLAND G. RIOPELLE
MAURICE H. SERCARZ*

MEMO ENDORSED

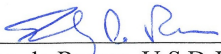
*ADMITTED IN NY & NJ

November 7, 2022

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Defendant's request for a 3 week extension, until December 1, 2022, to notify the Court and the Government of any motions that the defendant intended to file, and to provide the Court with a proposed briefing schedule for those motions is granted. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: November 8, 2022
New York, New York

Re: *United States v. Markin, et al*, 22 CR 395
Seth Markin - Defendant

Your Honor:

At a status conference on October 20, 2022, I requested, and was granted, until November 10, 2022 to notify the Court and the Government of any motions that the defendant intended to file, and to provide the Court with a proposed briefing schedule for those motions.

For the reasons set forth herein, we request an additional three weeks, until December 1, 2022, to provide this information.

It is my understanding that the Government consents to this application.

Background

On or about July 21, 2022, the defendant was indicted in connection with his alleged participation in an insider trading scheme.

Count One of the Indictment charges the defendant with Conspiracy to Commit Securities Fraud and Tender Offer Fraud.

Counts Two through Fifteen charges the defendant with substantive charge the defendant with substantive counts of Securities Fraud in violation of 15 U.S.C. § 78(j)(b) and 78(ff); and Title 17 Code of Federal Regulations §§ 240.10(b)-(5), 240.10(b)(5)-1 and 240.10(b)(5)-2 and Title 18 U.S.C. § 2.

Count Sixteen charges the defendant with Securities Fraud in violation of 18 U.S.C. § 1348 and 2.

Counts Seventeen through Thirty charge the defendant with substantive crimes of Tender Offer Fraud in violation of Title 15 U.S.C. §§ 78(n)(e) and 78(ff); Title 17 Code of Federal Regulations § 240.14(e)-3(a) and 240.14(e)-3(d); and Title 18 U.S.C. § 2.

Finally, Count Thirty-One of the Indictment charges the defendant with false statements in violation of 18 U.S.C. § 1001(a)(2).

On September 1, 2022, the Government produced a copy of the image of the defendant's cellphone.

On October 14 and October 19, 2022, the Government produced two additional batches of pretrial discovery.

Together, the discovery provided by the Government amounts to tens of thousands of documents.

The defendant is in the process of retaining a "hosting service" which will provide counsel with access to these documents in a word-searchable format.

The Basis For The Instant Request

Due to the volume of discovery material provided in this case, counsel will require an additional period in order to determine whether or not there are any motions that need to be made on the defendant's behalf.

I have been in touch with AUSA Nicholas Roos regarding our efforts to examine the discovery and the need for additional time to alert the Court and the Government to any motions that need to be filed. It appears that we will agree to a schedule for briefing any motions that are required

Conclusion

For all of the reasons set forth herein, we request an additional three weeks, until December 1, 2022, to provide notification to the Court of any motions we intend to make.

Most respectfully,

/s/Maurice H. Sercarz

cc: AUSA Nicholas Roos (by ECF)